

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re: GUIDANT CORP. IMPLANTABLE  
DEFIBRILLATORS PRODUCTS  
LIABILITY LITIGATION

MDL No. 05-1708 (DWF/AJB)

This Document Relates to:

**ORDER**

Clara Zink, Patricia Linzy, George Keenan,  
Doree Beaune, Paul Buckland, Francis  
Cooper, Dave Huffman, Edmund Martinenas,  
Vicki Lee Paden, and Morley White,

v. Civil No. 06-90 (DWF/AJB)

Guidant Corporation and Guidant Sales  
Corporation,

Defendants.

(as to Plaintiffs Beaune, Buckland, Cooper,  
Huffman, Keenan, Linzy and Zink)

**ORDER REGARDING PRODUCTION OF  
MEDICAL RECORDS AUTHORIZATIONS AND PLAINTIFF FACT SHEETS**

This matter is before the Court on Guidant Corporation, Guidant Sales Corporation and Cardiac Pacemakers, Inc.'s (collectively, Guidant) First Motion to Compel Production of Completed Plaintiff Fact Sheets and Executed Medical Records Authorizations. Plaintiffs Doree Beaune, Paul Buckland, Francis Cooper, David Huffman, George Keenan, Patricia Linzy and Clara Zink (collectively, plaintiffs) and Guidant have represented to the Court that they have reached an agreement regarding Guidant's Motion to Compel. *See* MDL No. 05-1708 (DWF/AJB), Doc. No. 597 and

Civ. No. 06-90 (DWF/AJB), Doc. No. 8. After due consideration of the parties' stipulation and the record with regard to these seven plaintiffs,

**IT IS HEREBY ORDERED** that:

1. Plaintiffs shall produce the items specified below to Guidant on or before September 27, 2006.

**Beaune:**

- 1) proper medical authorization;<sup>1</sup> and
- 2) documents in plaintiffs' or plaintiffs' attorneys' possession, custody or control responsive to PFS document request number 11.

**Buckland:**

- 1) proper medical authorization; and
- 2) a full and complete response to PFS § IV.F.6. (whether a physician told the plaintiff that his medical condition prevents explantation of his device).

**Cooper:**

- 1) proper medical authorization.

**Huffman:**

- 1) proper medical authorization;

---

<sup>1</sup> Consistent with the Court's May 19, 2006 Order and Memorandum, ¶ 3, plaintiffs may not limit the healthcare providers from whom defendants can obtain records. Additionally, PTO No. 14, discussing permissible medical history time periods, shall apply. The authorization must be signed and dated in both of the signature areas contained on the authorization form. The authorization may not limit the type of information obtainable by defendants. This definition shall be applicable wherever the phrase "proper medical authorization" is used in this Order.

2) complete response to PFS § IV.F.6 (the name of the physician at the Cleveland Clinic who allegedly told the plaintiff that his medical condition prevents explantation of his device); and

3) a complete response to PFS § VIII.C.1. (if claiming out of pocket expenses, what are the expenses for?).

**Keenan:**

1) proper medical authorization; and

2) documents in plaintiffs' or plaintiffs' attorneys' possession, custody or control responsive to PFS document request number 8.

**Linzy:**

1) proper medical authorization, and

2) a complete response to PFS § II.K. (identify the court in which plaintiff's prior civil action was filed and provide the civil action number for that matter); and

3) documents in plaintiffs' or plaintiffs' attorneys' possession, custody or control responsive to all PFS document requests.

**Zink:**

1) proper medical authorization;

2) a complete response to PFS § II.E. (name of last employer); and

3) a complete response to PFS § IV.B.2.b-c (location of device testing and name and address of tester).

**IT IS FURTHER ORDERED THAT** Guidant's First Motion to Compel Production of Completed Plaintiff Fact Sheets and Executed Medical Records

Authorizations (MDL No. 05-1708 (DWF/AJB), Doc. No. 548 and Civ. No. 06-90 (DWF/AJB), Doc. No. 3) is **DENIED AS MOOT** without prejudice as it relates to these seven plaintiffs. Guidant may renew its Motion should plaintiffs fail to comply with this Order.

**IT IS SO ORDERED.**

Dated: September 14, 2006

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court